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Appln. No.: 10/707,775  
Docket No.: 140525/GEM-0093

Facsimile To: (571) 273-8300

Response Under 37 C.F.R. §1.116  
Expedited Procedure  
Examining Group 3737

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.:	10/707,775	:	Confirmation No.:	1774
Applicant:	Miller et al.	:	Group Art Unit:	3737
Filed:	January 12, 2004	:	Examiner:	Ramirez, John, F.
Docket No.:	140525/GEM-0093			

For: RESPIRATORY MEASUREMENT SYSTEM AND METHOD RELATED THERETO

January 29, 2009

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT UNDER 37 CFR 1.116

Sir:

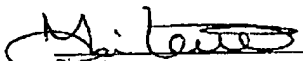
This is an amendment under 37 CFR §1.116 to the Advisory Action dated December 31, 2008, and to the Final Office Action dated October 31, 2008, issued in the above-identified application, wherein Applicant respectfully requests that the following amendments, which present rejected claims in better form for consideration on appeal, be entered pursuant to the provisions of 37 CFR §1.116 and that the application be reconsidered in light of the accompanying remarks.

Amendments to the Claims begin on page 2.

Remarks/Arguments begin on page 5.

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope, or Express Mail No. \_\_\_\_\_, addressed to: Mail Stop \_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to 571-273-8300 at the United States Patent and Trademark Office, on the date shown below.

Tammie Lanthier  
Name  
SignatureJanuary 30, 2009  
Date